

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE MATTER OF:
COMPLAINT C2014-011

State Ethics Commission,
Complainant;

vs.

Aaron J. Kozloski,
Respondent.

) BEFORE THE STATE ETHICS COMMISSION
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DECISION AND ORDER

STATE ETHICS
COMMISSION

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RECEIVED

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Commission on July 31, 2012. On September 18, 2013, pursuant to S. C. Code Ann. § 8-13-320(10)(i)(Supp. 2013), the State Ethics Commission reviewed the above-captioned complaint charging the Respondent, Aaron J. Kozloski, with a violation of Section 2-17-30 and probable cause was found.

Present at the Hearing on March 19, 2014 were Commission Members, Phillip Florence, Jr., Chair, E. Kay Biermann Brohl, and James I. Warren. Respondent was present and appeared *pro se*. Complainant was represented by Cathy L. Hazelwood, General Counsel. The following charge was considered:

COUNT ONE
FAILURE TO FILE LOBBYIST'S PRINCIPAL DISCLOSURE FORM
SECTION 2-17-35, S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Aaron J. Kozloski, a registered lobbyist for American College of Obstetricians Gynecologists, SC Section, in 2012, did in Richland County, fail to file a Lobbyist Disclosure form on or before the January 31, 2013 deadline for the period, June 1, 2012 to December 31, 2012.

FINDINGS OF FACTS

Having carefully reviewed the evidence presented, the Commission finds as fact:

1. On January 29, 2012 Respondent, Aaron J. Kozloski, registered as a lobbyist for the American College of Obstetricians & Gynecologists, SC Section (the College).
2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that Respondent registered as a lobbyist for the College and as a lobbyist, he was required to file two Lobbyist Disclosure statements (LD): a June 30th LD for the period of January 1st through May 31st and January 31st LD for the period of June 1st through December 31st. On May 28, 2013 a \$100.00 penalty was assessed for failure to file a January 31, 2013 LD. On June 25, 2013 a Notice to Cease and Desist lobbying activities was sent certified. On June 28, 2013 the certified letter was delivered according to the United States Postal Service website. Respondent complied by filing the LD on August 5, 2013. On August 9, 2013 Respondent paid \$100.00, but the balance of \$1,800.00 was not paid.
3. Respondent testified that he did not believe that he fit the definition of a lobbyist under the Act for his activity in 2012. He did not lobby. Respondent testified that his wife was very ill and died on the same day as he received the cease and desist order. She had been hospitalized and following her death Respondent was hospitalized twice. He did not remember much of July or August of 2013.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, the Commission concludes, as a matter of law:

1. During all times relevant, the Respondent, Aaron J. Kozloski, was a registered lobbyist as defined by Section 2-17-10(13).
2. The State Ethics Commission has personal and subject matter jurisdiction

3. Section 2-17-30(A) provides:

Each lobbyist, no later than June thirtieth and January thirty-first of each year, must file a report with the State Ethics Commission covering that lobbyist's lobbying during that filing period. The filing periods are from January first to May thirty-first for the June thirtieth report, and are from June first to December thirty-first for the January thirty-first report. Any lobbying activity not reflected on the June thirtieth report and not reported on a statement of termination pursuant to Section 2-17-20.

4. Section 8-13-1510(1) provides as follows:

Except as otherwise specifically provided in this chapter, a person required to file a report or statement under this chapter who files a late statement or report or fails to file a required statement or report must be assessed a civil penalty as follows:

(1) a fine of one hundred dollars if not filed within five days after the established deadline provided by law in this chapter;

(2) after notice has been given by certified or registered mail that a required statement or report has not been filed, a fine of ten dollars per calendar day for the first ten days after notice has been given, and one hundred dollars for each additional calendar day in which the required statement or report is not filed, not exceeding five thousand dollars.

DECISION

NOW, THEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, the State Ethics Commission has determined based upon a preponderance of evidence that Respondent Aaron J. Kozloski is in violation of Section 2-17-30; and therefore, Respondent Aaron J. Kozloski is hereby assessed a reduced late-filing penalty of \$500.00 to be paid within 60 days of receipt of the order or it will revert to \$1,800.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$1,800.00 is, and shall be entered against Respondent if he fails to pay the reduced late-filing penalty within the time permitted.

IT IS FURTHER THE ORDER OF THIS COMMISSION that the Clerk of Court of the County in which Respondent was last known to reside shall enter this Order in its Judgment Rolls, without cost to the State Ethics Commission, in the amount of \$1,800.00 upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent Aaron J. Kozloski has ten (10) days from receipt of this order to appeal this Decision and Order to the full Commission.

IT IS SO ORDERED THIS 8th DAY OF May, 2014.

STATE ETHICS COMMISSION



PHILLIP FLORENCE, JR.
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA